

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KENNETH W. HAWKS,

Plaintiff,

vs.

**CAROLYN W. COLVIN,
Acting Commissioner of Social
Security,**

Defendant.

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Civil No. 16-cv-116-CJP¹

MEMORANDUM and ORDER

PROUD, Magistrate Judge:

This matter is now before the Court on the parties' Agreed Motion to Remand to the Commissioner. **(Doc. 31).**

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties stipulate that, on remand, plaintiff will be given the opportunity for a hearing and to submit additional evidence and arguments.

¹ This case was referred to the undersigned for final disposition upon consent of the parties, pursuant to 28 U.S.C. §636(c). See, Doc. 10.

They also agree that an ALJ will do the following:

1. Reconsider plaintiff's residual functional capacity, and in doing so will reconsider the weight given to the medical opinions; and
2. If warranted, obtain additional vocational expert testimony in accordance with the applicable rules and regulations.

For good cause shown, the parties' Joint Stipulation to Remand (**Doc. 31**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Kenneth W. Hawks' application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: October 12, 2016.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE